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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/748,857	12/28/2000	Takafumi Ito	04329.2492	6075

22852 7590 12/30/2004

FINNEGAN, HENDERSON, FARABOW, GARRETT & DUNNER
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WASHINGTON, DC 20005

EXAMINER

LEE, JOHN J

ART UNIT	PAPER NUMBER
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2684

DATE MAILED: 12/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

273

Office Action Summary	Application No. 09/748,857	Applicant(s) ITO, TAKAFUMI	
	Examiner JOHN J LEE	Art Unit 2684	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 August 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. **Claims 8 – 10** are rejected under 35 U.S.C. 103(a) as being unpatentable over Taivitie et al. (US Patent number 6,133,884) in view of Klatt et al. (US Patent number 5,877,488).

Regarding **claim 8**, Taivitie discloses that a data processing apparatus (column 3, lines 5 – 63 and Fig. 5). Taivitie teaches that an antenna (40 or 30 in Fig. 5). Taivitie teaches that a first antenna terminal (43 through 51 in Fig. 5) configured to connect the antenna to second antenna terminal (30 through 55 in Fig. 5) incorporated in the IC card when the IC card is inserted in the slot (Fig. 5 and column 5, lines 66 – column 6, lines 38, where teaches there are two antenna connection terminals with two antenna operating together in IC card and the first antenna connection terminal implemented to second antenna connection terminal).

Taivitie does not specifically disclose the limitation “a casing having a card slot for inserting an IC card”. However, Klatt discloses the limitation “a casing having a card slot for inserting an IC card” (Fig. 1 and column 4, lines 66 – column 5, lines 56, where teaches PCMCIA card is provided that can be inserted via insertion slot at the insertion guide into a card case). It would have been obvious to one having ordinary skill in the art

at the time the invention was made to modify the Taivitie system as taught by Klatt, provide the motivation to achieve enhancing IC card protection in communication system.

Regarding **claim 9**, Taivitie and Klatt disclose the all the limitation, as discussed in claim 1. Furthermore, Taivitie further discloses that the antenna is provided in an eject lever to be operated to eject the IC card (Fig. 5 and column 6, lines 39 – column 7, lines 12, where teaches the antenna can be extended from the slot and the card can be removed from the card slot).

Regarding **claim 10**, Taivitie discloses that the antenna is provided on a surface of the casing (Fig. 5 and column 6, lines 39 – column 7, lines 12).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Aldous (US Patent number 6,618,013) discloses Retractable Antenna Assembly.

Beard et al. (US Patent number 6,762,725) discloses PC Card Retractable Antenna.

Information regarding...Patent Application Information Retrieval (PAIR) system... at 866-217-9197 (toll-free)."

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Art Unit: 2684

Washington, D.C. 20231

or faxed to:

(703) 308-9051, (for formal communications intended for entry)

Or:

(703) 308-6606 (for informal or draft communications, please label
"PROPOSED" or "DRAFT").

Hand-delivered responses should be brought to Crystal Park II, 2121 Crystal
Drive, Arlington, VA., Sixth Floor (Receptionist).

Any inquiry concerning this communication or earlier communications from the
examiner should be directed to **John J. Lee** whose telephone number is **(703) 306-5936**.
He can normally be reached Monday-Thursday and alternate Fridays from 8:30am-5:00
pm. If attempts to reach the examiner are unsuccessful, the examiner's supervisor, **Nay
Aung Maung**, can be reached on **(703) 308-7745**. Any inquiry of a general nature or
relating to the status of this application should be directed to the Group receptionist
whose telephone number is (703) 305-4700.

J.L.
December 23, 2004

John J Lee


NAY MAUNG
SUPERVISORY PATENT EXAMINER